

MASS. 367.2: B14



A BALANCED PLAN to end

PRISON OVERCROWDING

April, 1985

GOVERNMENT DOCUMENTS
COLLECTION

APR 27 1987

University of Massachusetts
Depository Copy

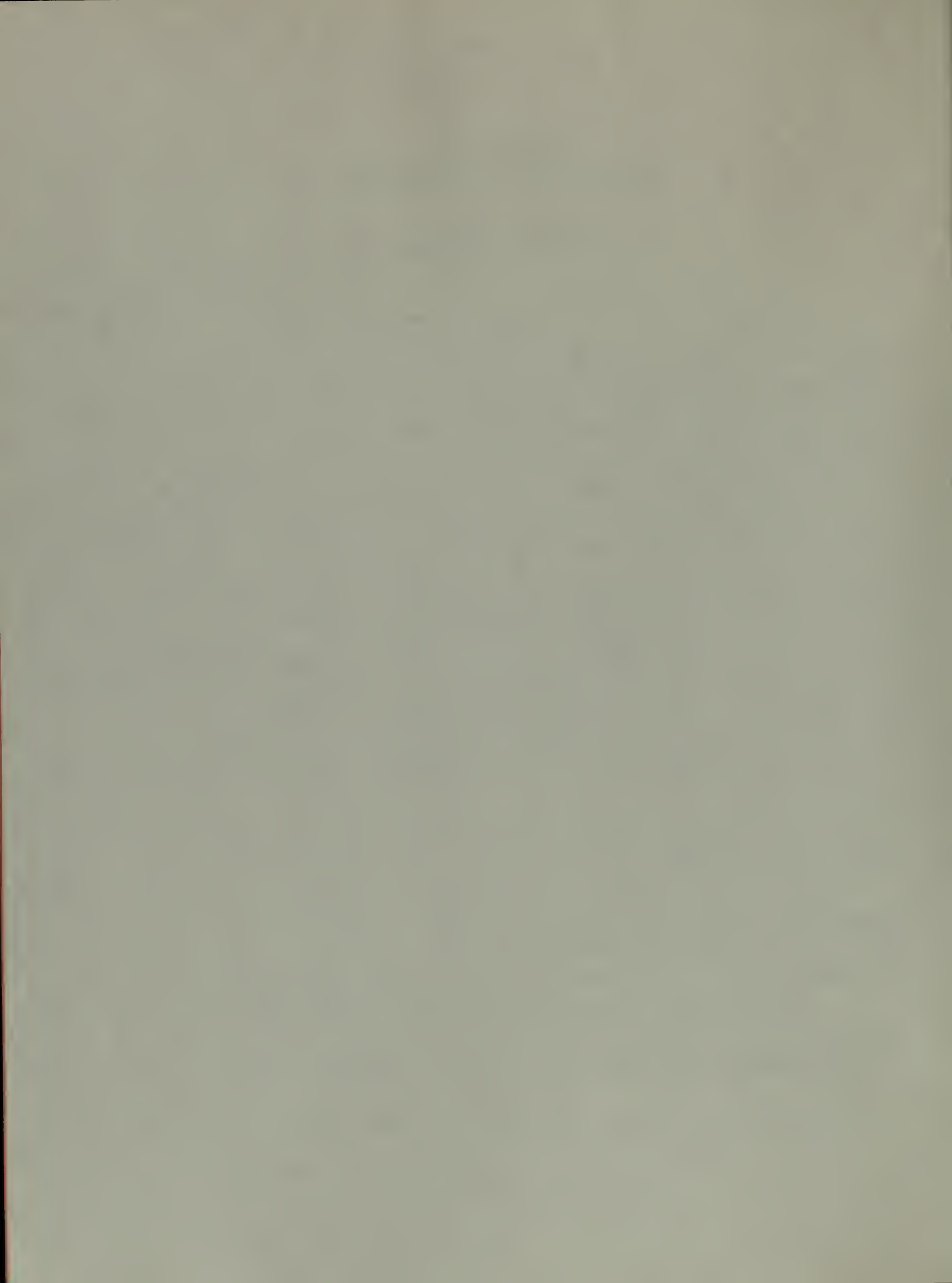
Submitted to the Massachusetts Legislature
by
Michael S. Dukakis, Governor



A BALANCED PLAN
TO END PRISON OVERCROWDING

Table of Contents

	<u>PAGE</u>
Introduction	1
The Prison Overcrowding Problem	2
What Are The Effects Of Overcrowding?	3
How Did We Get To This Level Of Overcrowding?	4
Progress To Date	5
a) Capacity Expansion	7
b) Program Initiatives	8
What Does The Future Hold?	10
OUR RESPONSE--The Prison Overcrowding Plan	
Part I: Alternatives To Incarceration	14
Part II: Expansion of DOC Programming	16
Part III: Expedited Permanent Capacity Expansion	17
Part IV: Immediate Temporary Action	22
Part V: Preservation And Replacement	24
Part VI: Assistance To The Counties	26
Special Message Cost Summary	29-30
Impact Of The Plan	31
APPENDIX A: Description Of Projects For Inclusion In Capital Construction Pool	
APPENDIX B: Outside Sections To House 1 Regarding Regional Overcrowding Action Councils And Special Commission On Correction Alternatives	
APPENDIX C: FY1986 Amendments To House 1 To Fund Special Message	
APPENDIX D: Legislation Proposing Prison Expansion Capital Outlay	



Special Message

TO END PRISON OVERCROWDING

Submitted by
Michael S. Dukakis, Governor

April 1985

Introduction

Today I am filing for your consideration my proposed plan to alleviate prison overcrowding. This plan reflects a balanced approach to dealing with the current crisis of prison overcrowding in both state and county correctional facilities, and it includes strategies to accommodate our future prison population as well.

Experience throughout the nation has shown that we cannot simply build our way out of prison overcrowding. Our prison and jail space is a limited and valuable resource which must be managed efficiently. An effective plan must also include a comprehensive analysis of our criminal justice population and the development of new forms of punishment which are responsive to public concerns about crime and are at the same time safe and affordable. Therefore, the plan I present today is multi-dimensional, and addresses all aspects of the correctional system. Its key components are as follows:

1. alternatives-to-incarceration programs, to reduce the need for prison space;
2. expedited permanent capacity expansion, to bring new beds on line as quickly as feasible;

3. expansion of Department of Correction (DOC) programming, to support rehabilitation and reintegration efforts within prisons;
4. immediate temporary action to address the current gap until permanent capacity catches up with need;
5. preservation of existing capacity and replacement of older beds as they become obsolete; and
6. substantial state assistance to the county system to address the overcrowding at that level.

These elements are described in detail in this document. Collectively, they represent a comprehensive approach to the problem of overcrowding, addressing both the immediate and long-term needs of the system. The result is that by 1988 at the state level and 1989 at the county level, the gap between capacity and population will be closed. Moreover, this plan, coupled with other initiatives we have already undertaken, will greatly enhance the operation of our criminal justice system throughout the Commonwealth.

The Prison Overcrowding Problem

The past week, the number of inmates in the Department of Correction reached 5121. These inmates are being served in a correctional system with permanent beds designed to accommodate 3500 inmates. Similarly, on the county level, over 3700 offenders are currently housed in county jails and houses of correction designed for 2700 inmates. While these figures alone are staggering, a walk through one of our correctional institutions provides one with an immediate and overwhelming

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

sense of the human consequences of such overcrowding. Temporary beds have been placed in every available space within our prisons. Inmates are housed in industrial buildings, recreational space, program space, office space and hospital space. Many prison cells are double-bunked; some are triple-bunked.

Massachusetts is not alone. Between 1973 and 1983, the prison population in the United States doubled, far outstripping the capacity of its institutions. There are now over half a million people behind bars across the country. At least 38 states are now facing court orders to alleviate prison overcrowding.

What Are The Effects of Overcrowding?

Overcrowding exacerbates all the negative effects of prison. Increased assaults, mental disorders and idleness are evident. Tempers flare more easily. Minor jostlings erupt into major brawls. Accessibility to rehabilitative programs is increasingly limited as more and more program space is converted to emergency housing. Participation in such programs is critical to prepare inmates for movement to lower security levels and eventual reintegration into society. As the level of overcrowding grows, correctional officials are increasingly hampered in their efforts to choose the right security level for an inmate, often having to make placement decisions based

solely on the availability of vacant beds. Overcrowding has made the always difficult task of running a safe and humane prison system almost impossible. It is to the credit of our prison administrators and staff that we have maintained relative stability in our prisons under these conditions.

How Did We Get to This Level of Overcrowding?

Since 1975, the DOC prison population has increased 142% from 2047 in 1975 to 5100 in 1985. During that time period, the department's capacity increased only by 1,000 beds to 3,500. Thus, DOC population levels have risen from 80% of capacity in 1975 to 146% of capacity in January of 1985. In the county correctional system, the population has risen 89% over the past ten years. The county system is currently operating at 36% over capacity.

A number of factors have contributed to these increases in prison population. First, the "at risk" population of males between the ages of 18 and 29 has risen dramatically since the early 1970's and reached its peak in 1983. Second, while crime throughout the Commonwealth has declined dramatically in the past two years, average prison sentences for serious crime against the person have been steadily increasing. In 1970, 20% of all Walpole sentences were for six years or longer; in 1984, 69% of such sentences were for six years or longer. In addition, over the past ten years, the number of yearly court

over the past ten years, the number of yearly court commitments to the Department of Correction has increased 155%, from 863 in 1974 to 2204 in 1984.

The number of annual releases from DOC, however, has increased only 114% since 1974. Paroling rates steadily declined during the late 1970's. Not only have more people been entering our prison system, but they have been kept there longer.

The county correctional system has also witnessed an extraordinary rise in the number of commitments in recent years. In the mid- to late 1970's the average number of commitments to county houses of correction was 3955. In 1983 the number of commitments rose to 9617. Much of the recent increase in house of correction commitments can be attributed to increased enforcement of drunk driving laws. In 1981, there were 295 drunk driving commitments to houses of correction. In 1983, there were 2372 such commitments.

The dramatic rise in commitment roles at both the state and county levels is illustrated in Figure 1.

Progress To Date

In the past two years, my administration, in collaboration with the Judiciary and the Legislature, has implemented a number of initiatives to address prison overcrowding. We have

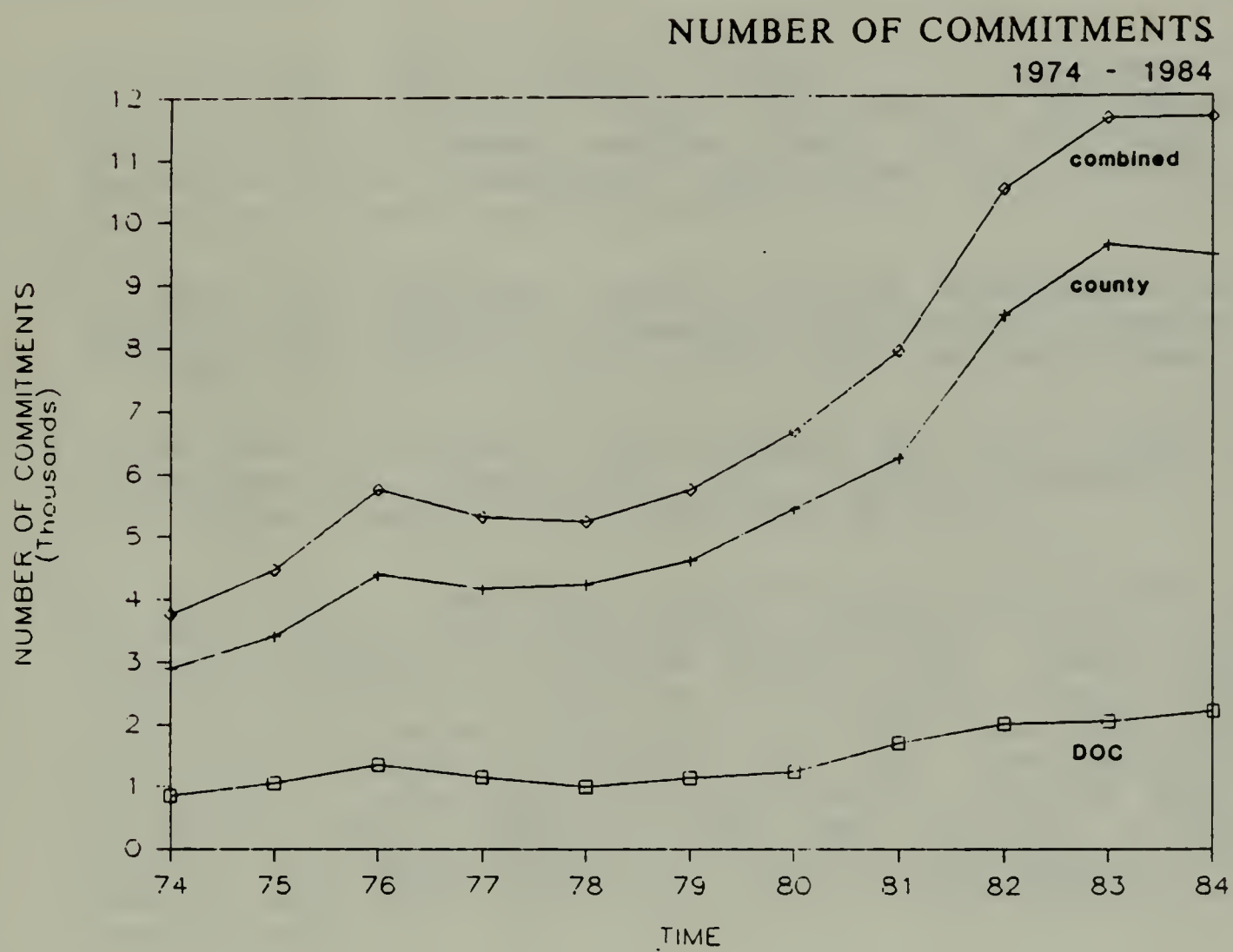


FIGURE 1

attacked both aspects of the problem: capacity expansion to house inmates, and programming to improve and increase reintegration of inmates into the community.

Capacity Expansion

- * During 1984, the capacity within the Department of Correction was increased through the lease of 300 temporary modular beds. These modular units are currently in operation at MCI Framingham, MCI Gardner, the Southeastern Correctional Center and MCI Norfolk.
- * In 1984, the department opened two new minimum/pre-release units at MCI Shirley, increasing institutional capacity by 70 beds. All renovations were done by inmate work crews.
- * Three new contracted pre-release programs have been established in the past two years, increasing our pre-release capacity by an additional 50 beds.
- * We have set a national precedent by opening the first "Driving Under the Influence" facility at the former Longwood Hospital in Jamaica Plain. This 125-bed correctional program is designed to provide the treatment necessary to reduce drunk driving recidivism and provides relief to counties in dealing with the recent significant increases in drunk driving commitments. During FY86, we intend to open a second 125-bed "DUI" facility in Springfield. Both these facilities, totaling 250 beds, will house inmates who would otherwise add to overcrowding at the county level.
- * Currently funded construction projects for state prison expansion will provide the following increases in capacity.

<u>Site</u>	<u># New Beds</u>	<u>Year</u>
Southeastern Correctional Center	240	1988
North Central Correctional Center	240	1988
Boston Pre-Release Center	20	1988
MCI Framingham	<u>120</u>	1989
	620	

- * Currently funded construction projects for county prison expansion will provide the following increases in capacity.

<u>Site</u>	<u># New County Beds</u>	<u>Year</u>
Hampshire County	(Replacement only)	1985
Worcester County	128	1985
Hampden County	180	1988
	<u>308</u>	
DUI facilities (described above)	<u>250</u>	
Total County inmate beds in pipeline	558	

Program Initiatives

- * In the fall of 1983, the probation offices in Bristol County and Norfolk County Superior Courts implemented pilot intensive probation projects. These programs serve offenders who would have been sentenced to a county house of correction but whom the court determined suitable for highly structured probation supervision. Each program is designed to supervise 25 intensive probationers. The Intensive Probation Project has recently been revised and, during 1985, is expanding to fifteen courts throughout the Commonwealth. This program will focus on higher-risk probationers. Once implemented in all fifteen courts, the program will serve approximately 400 intensive probationers and, by reducing recidivism rates, alleviate some of the need for prison beds.
- * In 1984, a Court Clinic Services Committee was established to evaluate current court clinic programs and to develop a plan for a comprehensive court clinic program throughout the judicial system. Court clinics play an important role in addressing prison overcrowding, for example, by diverting certain offenders from inappropriate pretrial detention. Recommendations from the Committee have recently been completed and are under review by the Legislature and my administration.
- * In 1982, the Department of Public Health opened a "Driving Under the Influence" rehabilitation program at Rutland Hospital. This 14-day residential program serves as an alternative to incarceration in county prisons for individuals convicted of their second driving under the influence offense and provides intensive alcohol treatment

programming. The program is partially supported by state funds and partially through fees assessed against participants. In 1984, the Rutland program was expanded to include 151 beds. In 1985, the program is being further expanded to include 60 beds at Lakeville Hospital, 60 beds at Middlesex Hospital, and at Tewksbury Hospital, 60 beds on a temporary basis to reduce a current waiting list for these treatment programs.

- * In 1984, the Department of Correction implemented a new contract classification program whereby an inmate moves through progressively lower levels of security and ultimately back into the community after successful completion of rehabilitation programs. Since January of 1984, approximately 1600 inmates sentenced to MCI Concord have participated. Initial findings suggest that this program, particularly when coupled with use of furlough programs, is effective both in preparing inmates for community reintegration and in responding to prison overcrowding by increasing the flow of inmates from higher to lower security levels and into parole.
- * Also, during 1984, a warrant clearing unit was established at MCI Concord. This new unit expedites the clearance of an inmate's outstanding warrants, thereby facilitating the inmate's movement to lower levels of security.
- * The Parole Board, in conjunction with the Hampden County House of Correction, has implemented Mutual Agreement Programming (MAP). Through this parole option, an inmate receives a fixed parole release date, conditional on the successful achievement of behavioral, treatment, educational and work objectives. This program directly relates inmate behavior and performance to release. It is the model for the negotiated programming and classification system (NPAC) proposed in H. 5009.
- * During 1985, the Department of Correction has begun a new "Supervised Under Pre-Parole Living Environment" (SUPPLE) program. Carefully screened pre-release residents who are approaching parole release are permitted to reside at home but required to report to the pre-release center daily. The participant's schedule of activities is approved and closely monitored by the department staff. We propose to expand this program beginning in September 1985.

- * This year the Parole Board is implementing a new "Half-Way Back" program. This 20-bed program deals with parolees experiencing difficulty in adapting to life in the community. Parolees who have violated technical conditions of their parole (non-criminal infractions) are returned "half-way back" to a structured residential program where they are provided with services designed to further assist in their reintegration and alleviate the potential for recidivism.

Several of these programs will create new capacity in the coming years. However, we have projected actual bed savings only in certain cases where estimates are realistically possible, and then only with conservative estimates of such savings.

What Does the Future Hold?

Prison overcrowding must be understood as a dynamic picture. Neither side of the equation, population nor capacity, is static. It is our understanding of the picture over time that forms the foundation of the plan I am submitting.

First, the total size of our prison is affected by changing patterns of criminal conduct, public attitudes, legislation, and public policy. An analysis of recent trends in the criminal justice system suggests that the state inmate population would continue to rise until 1988, without a change in sentencing laws, when it would peak at approximately 5340, and then gradually decline. County prison populations would peak in 1986 at 3800 inmates and then also decline.

House 5009, the Uniform Sentencing and Correction Act, which I filed in January, is crucial to ensuring uniform, predictable and fair punishment of violent offenders. This legislation, with certain changes as I have recently proposed to the Committee on Criminal Justice, will result in a 17% increase in the number of violent offenders sentenced to incarceration. With the passage of this much needed legislation, our total state and county prison population is projected to peak with approximately 300 more inmates than under existing legislation before beginning to decline. On the capacity side, several funded construction projects are underway at state and county facilities which will provide nearly 1200 new beds in the next few years. The effects of these two sets of developments on the state and county systems is shown in Figures 2 and 3.

Moreover, the security needs of the offenders are changing over time as well. The current Department of Correction overcrowding includes all security levels but is primarily in medium security. The department has implemented a contract classification system designed to move inmates through progressively lower security levels based on a standard movement chronology. This system will have the impact of decreasing the portion of the DOC population in higher security levels and increasing the portion in minimum and pre-release over the next several years. Thus the current substantial gap

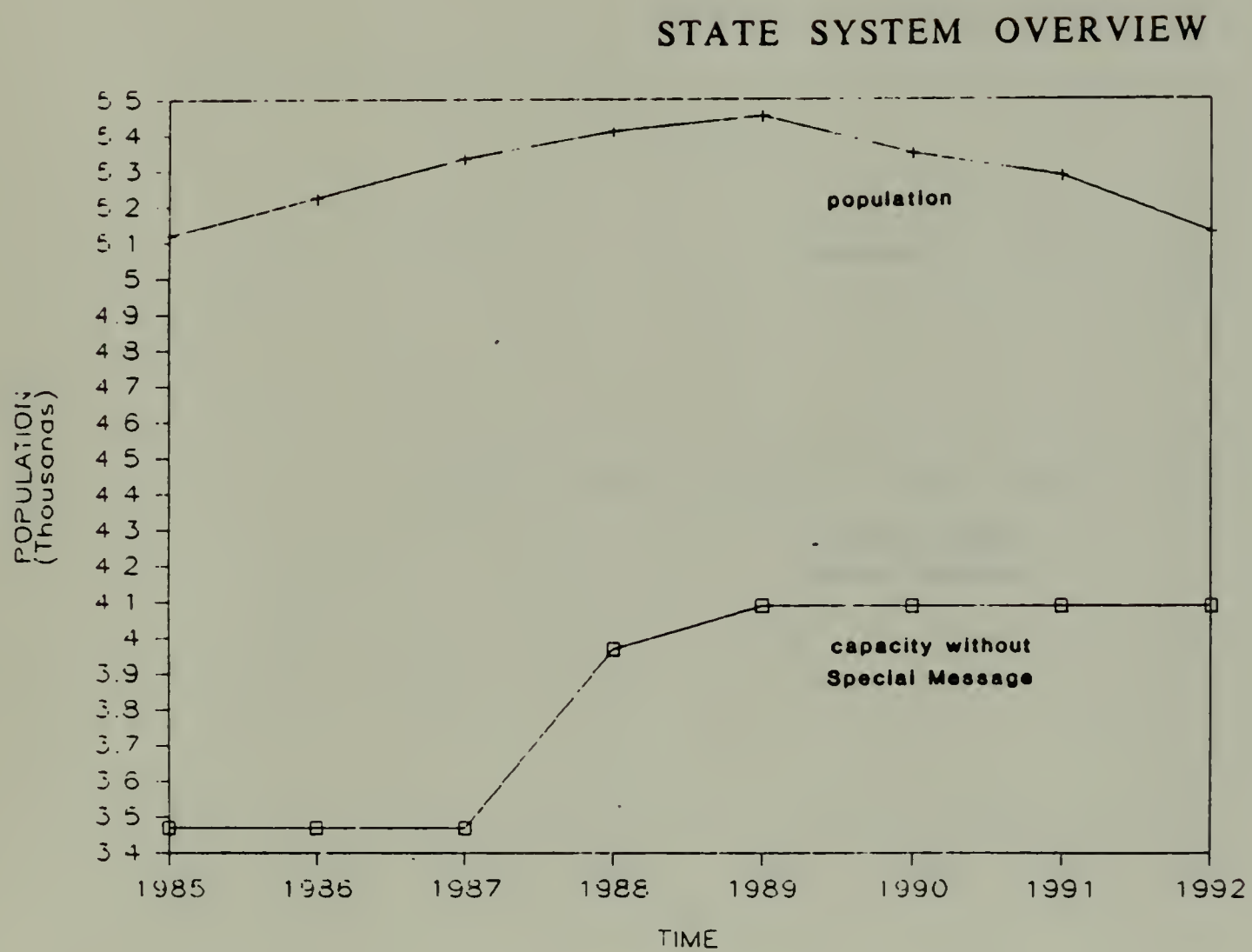


FIGURE 2

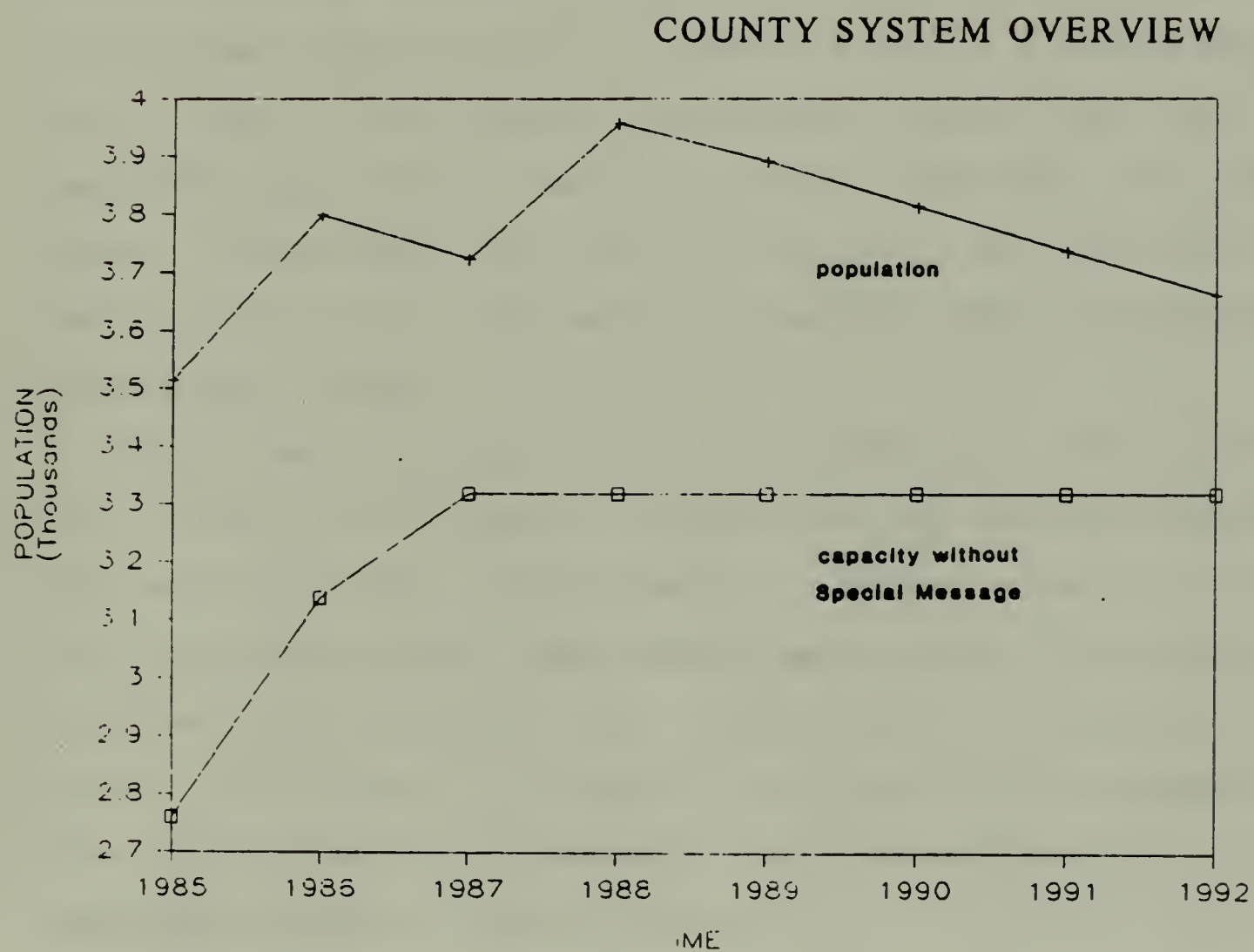


FIGURE 3

between available beds and population is predominantly in medium security but in the long term, the shortage will shift to the lower security levels.

In the county correctional system, many beds have been built at medium security. Although we currently do not know enough about specific needs by security level, a comprehensive master study of the county correctional system will soon be completed and provide a detailed analysis of this and related issues. We believe the level of security, and therefore the cost of facilities, can safely be brought down substantially from current levels.

Thus, the dimensions of the overcrowding problem are in flux. There is an immediate substantial gap between available beds and population, predominantly in medium security, but in the long term the total gap lessens and needs in lower security levels are most critical. The uncertainty of the future is no excuse for inaction. The plan I am proposing is designed to take into account the changing and complex picture. Each component element is described below.

OUR RESPONSE--The Prison Overcrowding Plan

I. Alternatives to Incarceration

We must develop new punishment options thereby alleviating the need for prison beds at the same time that we expand our prison capacity to accommodate serious criminal offenders.

Some alternative punishment and release programs in this area have already been piloted successfully and can now be expanded. I am proposing (1) expansion of the Supervised Under Pre-Parole Living Environment (SUPPLE) program and (2) a new Intensive Parole program and which will during the coming year serve more than 100 offenders each year who would otherwise require the construction of 70 new prison beds. Over the next five years I expect the success of these programs to permit a near doubling in their size.

Under the SUPPLE program selected pre-release residents whose parole is imminent will reside at home but be required to report in at the pre-release center daily. Activities will be closely monitored by pre-release staff. No additional resources will be required for this expansion.

Under Intensive Parole, initially, 100 offenders a year will participate in the program. Many offenders are now denied parole release because they need a higher level of supervision than standard parole provides. This program will identify those inmates and develop an intensive parole plan while they are still incarcerated. Upon a decision by the Parole Board, they will then be released into Intensive Parole Supervision. Each Intensive Parole team will carry a maximum caseload of 25 parolees. It is estimated that the need for approximately 50 prison beds will be eliminated within the first one to two years of this program.

THE HISTORY OF THE
THE HISTORY OF THE
THE HISTORY OF THE

THE HISTORY OF THE
THE HISTORY OF THE
THE HISTORY OF THE

THE HISTORY OF THE
THE HISTORY OF THE
THE HISTORY OF THE

THE HISTORY OF THE
THE HISTORY OF THE
THE HISTORY OF THE

THE HISTORY OF THE
THE HISTORY OF THE
THE HISTORY OF THE

THE HISTORY OF THE
THE HISTORY OF THE
THE HISTORY OF THE

THE HISTORY OF THE
THE HISTORY OF THE
THE HISTORY OF THE

I am convinced that further options can be developed. Therefore I am creating a Special Commission on Correction Alternatives to conduct a comprehensive analysis of where we stand currently in the use of punishments other than incarceration in Massachusetts and where we should be heading. I am personally convinced that there is far more that we could be doing to implement successful community correction programs outside prison walls. Several judges and other criminal justice officials within the Commonwealth are pioneers in this area, and we need to expand upon the excellent work they have done. This special commission will report back to all three branches of government within nine months with specific recommendations for new and expanded programs statewide.

II. Expansion of DOC Programming

Increased programming within our state prisons is critical to better prepare offenders for movement to lower security and eventual reintegration into society. Studies have shown that offenders who progressively move through lower security levels and have participated in pre-release programs prior to release are less likely to recidivate than are those offenders who are not similarly released. As our prison capacity is expanded, program space which has been used as emergency housing will be available for expanded vocational, substance abuse and indus-

tries programs. Accordingly, additional program resources within the Department of Correction are included in this plan in order to ensure actual use of program space.

Finally, a limited portion of inmate housing space is now allocated for visiting and exercise programs at the Northeast Correctional Center. The lack of exercise and visitor space aggravates the problems of overcrowding. Therefore, to facilitate the expansion of DOC programming, we are recommending the construction of a visitor/exercise complex at Northeast Correctional Center.

III. Expedited Permanent Capacity Expansion

Given the clear long-term bed need, this plan involves substantial capacity expansion: 1124 beds at the state level as well as appropriate support space, will be developed. Some of this capacity can be made available very quickly, since it involves contracts with vendors, use of county beds, and renovation and occupation of existing space.

a) Purchase and Contract

The Department of Correction will contract with vendors for an additional 150 pre-release beds in a phased, two-year effort, 100 beds in FY 1986, and another 50 beds in FY 1987. Ultimate full year funding will reflect a \$10,000 per bed operating cost, a good investment for the state.

Also in FY 1986, the Department of Correction will rent 100 beds for state inmates from counties with available vacant beds. The anomaly of vacant beds in an overcrowded system results from the disparity among the counties both in their prison capacity and their rates of incarceration. Consequently, certain counties are bulging at the seams, while others have beds available for rental. This is part of the reason to consider carefully proposals for state assumption of county correctional costs and functions, now under review by the Legislature.

Full year funding for the rental of 50 beds at the Hampshire House of Correction is already included in our House 1 budget recommendation. Twenty-five additional beds will be rented from the county upon completion of the expansion at the Worcester House of Correction. Finally, there are 25 beds available at the Middlesex House of Correction. The cost of these 100 beds is based on a rate of \$25 per bed per day or \$9,125 per bed annually.

Another proposal will involve contracting with county sheriffs and private vendors for 50 beds for women in Western Massachusetts. Currently, all women in both the state and county systems are sentenced to MCI Framingham because county

correctional facilities cannot accommodate women. This results in two hardships that undermine rehabilitation: (1) as the number of women offenders has risen, MCI Framingham has had to absorb the full overcrowding blow; and (2) women who live in the western part of the state must serve their time far from home, family, and the community to which the inmate will return after release.

Furthermore, full year funding has been requested in House 1 for a new pre-release center for women at Hodder Cottage at MCI Framingham and for the full funding of the Charlotte House II pre-release expansion implemented during FY 1985. These initiatives provide a 60-bed permanent increase in the department's capacity.

In all, 310 beds can be made available in FY 1986 and a total of 360 beds by 1987, to help alleviate the state overcrowding problem.

b) New Forms of Construction

Other projects involve new construction. The standard public construction process takes approximately 4-5 years to build a new facility, meaning this new capacity would not be available until around 1989 or 1990, despite the urgent need right now. Therefore, we propose to utilize alternative construction and procurement methods to bring this capacity on line sooner than under ordinary circumstances. In doing this,

we are nonetheless committed to high quality, efficient buildings, not only in the construction phase, but also as far as long-term usefulness and cost of maintenance is concerned.

To accomplish the goals of speed and quality, in conjunction with this Special Message we will undertake a quick but thorough analysis to determine the most cost-effective, high quality method for acquiring permanent capacity.

The evaluation will consider the complex trade-offs between speed of construction, initial costs, life-cycle costs, and quality, in non-traditional construction practices such as turn-key development and purchase of pre-fabricated units. We shall consult on a continuing and intensive basis with the Inspector General in the course of this evaluation. The results of this study will enable us to proceed both prudently and expeditiously with the expansion proposed here, and is expected to result in permanent new beds coming on line as early as 1987.

Since the precise form of ultimate construction or acquisition will be determined only after the study is complete, we are requesting these projects in the form of a capital pool account. This will assure that funds are ultimately spent in the most cost-effective manner possible, after thorough technical evaluation. The capacity expansion projects to be funded by this pool, along with current cost estimates, new bed yield, and estimated expedited completion dates are listed below and detailed in Appendix A.

<u>Project Location</u>	<u>Completion Date</u>	<u>New Bed Yield</u>	<u>Capital Cost* Estimate</u>
South Middlesex Pre-Release	1987	50	\$ 3.0
MCI Lancaster	1987	50	.2
MCI Concord	1987	250	7.6
Norfolk Pre-Release	1989	50	2.7
Baystate Correctional Ctr	1989	76	10.5
MCI Warwick	1989	50	3.8
MCI Plymouth	1989	50	3.6
NCCI Gardner	1989	88	3.5
Totals		664	\$ 34.9m

*Capital costs reflect all project items, including renovation and replacement of existing beds and program space.

The composition of the capacity added through the various permanent beds described in this section is predominantly lower security. In fact, 70% of these beds are in the minimum and pre-release categories, which matches the long-term need which is for lower security beds. The division by security levels is illustrated in the Figure 4, below.

TYPE OF SECURITY
State Facility Expansion

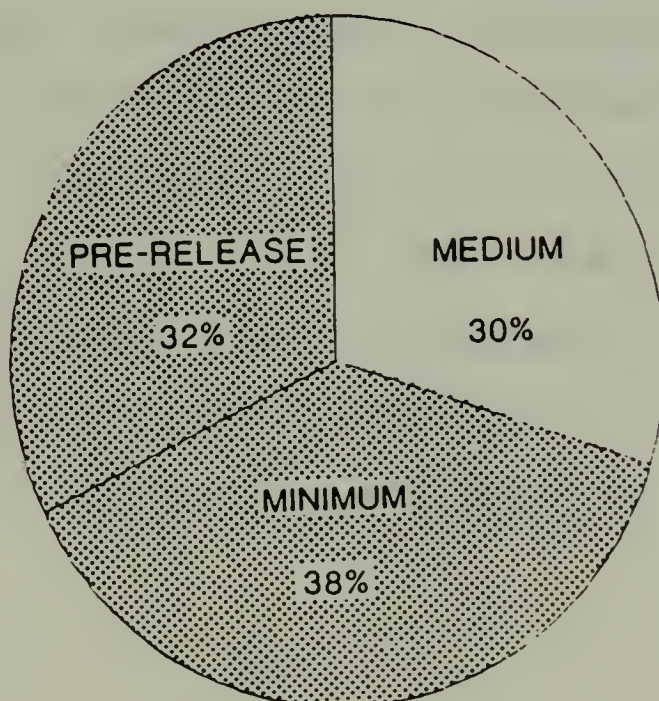


FIGURE 4

IV. Immediate Temporary Action

Even with the comprehensive efforts described above, there will still remain a gap in capacity in the near future. This gap will be addressed through temporary measures which, while not appropriate for the long term, will enable us to provide minimally acceptable environments while the overcrowding problem is being corrected. These measures fall into three general categories--leasing, occupation of lesser-quality but minimally acceptable space, and maintaining populations of existing facilities at greater than "rated capacity".

(1) Leasing of pre-fabricated, or modular, prison space is a proven method for short-term expansion. DOC now has 300 beds in leased modular space at several institutions, which have been operating successfully. These will be continued through 1989. In addition, I propose the leasing of 100 modular beds at MCI/Shirley. This new lease will include adequate program space to properly operate a 100-bed program.

(2) My proposal also includes re-occupation, with quick repair, of 250 beds in the old Southeastern Correctional Treatment Center, once the planned new replacement facility becomes available in late 1985. This reoccupation will occur in phases with 100 beds ready for occupancy in FY 1986. While these 250 older beds are not suitable for long-term use in their present form, they are far preferable to continuation of

the current overcrowded conditions in other DOC facilities.*

(3) Management of existing space at more than rated capacity involves such practices as double-bunking in minimum and pre-release institutions. Although we are committed to ending these techniques, we have utilized them thus far without serious problems, and will continue to gain 219 temporary beds in this fashion. In the maximum and medium security prisons, we are operating at higher than rated capacity by occupying all available beds, even though some of these beds were meant for special, short-term purposes. For example, ten percent of the beds at these higher security institutions should be reserved for classification and reassignment purposes. Without this cushion, the prison manager loses important functional flexibility. Our goal is to operate medium and maximum security facilities at rated capacity by 1991.

Thus, through these temporary strategies the Department can meet much of the remaining gap. Using temporary beds also enables the Department to meet the need for medium security beds now, while preserving flexibility to phase them out as the need shifts to the minimum and pre-release security levels.

* To be sure that these beds are freed up for the new temporary use as scheduled, we are including \$720,000 in the capital pool for the new treatment center to make up a shortfall in its budget for furnishings and equipment.

V. Preservation and Replacement

Many of the state prisons are very old, dating back to the mid-1800's, and thus have experienced significant systems failures in recent years. This problem has been aggravated by insufficient support for regular maintenance of the facilities. The result is that there are numerous investments required to enable the prisons to operate at a fully functional level. The costs of not making these improvements is great; deferred maintenance results in premature equipment and systems breakdowns, causing more frequent replacement than would otherwise be necessary.

For the Department of Correction, attention to repair and maintenance needs is particularly important. In these institutions, deferred maintenance not only reduces the value of the Commonwealth's capital stock, but also the Department's ability to meet its programmatic goals. Inoperable equipment and deteriorating physical conditions, for example, can seriously limit the security of institutions. Many facilities have not had the funds necessary to replace secure doors and windows on a routine basis, while others experience problems with faulty emergency generators, insufficient fire protection equipment and other deficiencies that inhibit their ability to protect the safety of inmates. Moreover, as facilities have increased their census, expansion of their basic mechanical and electrical systems has not kept pace. Thus, systems that were

originally designed for smaller institutions can no longer operate at maximum efficiency. These problems, combined with neglect in the normal upkeep of buildings, result in serious deterioration in the functional capacity of facilities, and state funds for program purposes become impossible to use as a practical matter.

Therefore, a \$30 million maintenance/repair pool is being sought to bring DOC facilities up to standard and to preserve the existing capacity.

Despite the best efforts to preserve our facilities, however, some institutions are approaching the end of their useful lives. Thus, we need to begin to develop replacement housing so that obsolete beds can be retired. Accordingly, we are proposing the construction of a 300-500 bed, medium security facility on the grounds of MCI/Shirley. As part of the pre-design study, we will evaluate incorporating a resource recovery plant on the site, which would burn the municipal trash from the town and provide steam and electricity to the prison. Thus, the town's landfill problem can be solved at the same time the prison can secure a reliable, less expensive fuel source. Funding for phase one of this project-- study, design, and utility/support system repair--is proposed to be taken from an earlier capital authorization for construction at MCI Shirley.

In addition, the existing Departmental Security Unit (DSU) at Cedar Junction is not suitable for its current use. Numerous programmatic difficulties result from the poor layout and other aspects of the physical condition. Moreover, segregation space at other institutions has been used for DSU purposes, making those facilities more difficult to operate. My proposal includes replacement of all beds throughout DOC used for DSU purposes with a more suitable environment for these inmates.

Finally, in order to occupy the medium security facility under construction in Bridgewater in 1988 as planned, additional funds to purchase the necessary furnishings and equipment are included in my proposal. This will ensure our ability to use the new beds as soon as they are available.

VI. Assistance to the Counties

The plan to assist the counties parallels our plan for the state system, and includes population management, development of permanent beds primarily in the lower security levels, and preservation and replacement of older facilities.

First, I am proposing a new county assistance initiative to provide immediate relief to counties throughout the commonwealth, through a pool of operating funds for grants to counties, under the leadership of their sheriffs. Regional Overcrowding Action Councils within each county, made up of

local criminal justice officials and convened by the sheriff, will analyze the overcrowding in the jails and houses of correction and develop a plan for its alleviation. Grant funds will be available from the pool upon approval by the Secretary of Human Services of the county's overcrowding plan. Components of such a plan may include capacity expansion in lower security levels, population management strategies, and program alternatives to incarceration. The membership of these Regional Overcrowding Action Councils should include judges, probation officers, and other criminal justice officials, as well as citizens deeply committed to improving the correctional system at the local level.

The grant program, to be funded initially at \$3 million, will be implemented over a two-year period. This new funding for lower security expansion in local jails and houses of correction and for alternative forms of punishment such as intensive probation, community service and restitution, if implemented properly, should lessen the current county prison overcrowding crisis by approximately 450 beds in the near term.

Furthermore, to meet the identified long-term replacement and expansion needs at the county level, I am recommending funding for construction of a new correctional institution in Bristol County, the one county facility ready for construction funding. I am also proposing capital funding for design of badly needed facilities in Norfolk and Essex Counties so that

they will be ready for construction as quickly as possible. Finally, funding is proposed to ensure that needed study and design in other counties goes forward at once.

Also, we know that most county facilities are antiquated. Like the state system, substantial investment in maintenance and repair projects is necessary to bring them to a fully functional level, and in some cases full replacement may be required. A comprehensive study of capital needs in county correctional facilities is due for completion in June of this year. To implement the maintenance and repair projects so identified, we are including funds for deferred maintenance for county facilities.

* * *

The following is a summary of the cost of both the state and county proposals described above.

Special Message Summary

	<u>New Bed Yield</u>	<u>Additional FY86 Operating Costs</u>	<u>Capital* Costs</u>
I. Population Management			
SUPPLE	20	0	0
Intensive Parole	50	0.23M	0
II. DOC Program Expansion	0	1.1 M	2.2 M
III. Permanent Capacity Expansion <u>By 1987</u>			
Pre-Release Beds (contract)	150**	.5 M	0
County Bed Rental	100	.5 M	0
Western Women	50	0.4 M	0
Pre-Release (Hodder)	35		
Pre-Release (Charlotte)	25	0	
Pre-Release (So. Middlesex)	50		3.0 M
MCI Lancaster	50	0	.20 M
MCI Concord	250	0	7.6 M
<u>By 1989-90</u>			
Norfolk Pre-Release	50	0	2.7 M
BayState Correctional Center	76	0	10.5 M
MCI Warwick	50	0	3.8 M
MCI Plymouth	50	0	3.6 M
NCCI Gardner	88	0	3.5 M
Bristol House of Correction (State beds)	100	0	(Included in County costs)

* Capital costs include not only cost of new beds, but cost of renovation and replacement of existing beds and the cost of program space.

** 100 beds in FY 1986, an additional 50 in FY 1987.

Special Message Summary (continued)

	<u>New Bed Yield</u>	<u>Additional FY86 Operating Costs</u>	<u>Capital* Costs</u>
IV. Temporary Beds			
Lease Modulares at MCI Shirley	100	.9 M	0
Reuse old SECC Treatment Center	250	.7 M	.72M
V. Preservation and Replacement			
Departmental Security Unit			9.6 M
State Deferred Maintenance Pool			30.0 M
SECC Medium Security Furnishings & Equipment			1.32M
VI. DOC Administration Costs		.3 M	
VII. Counties			
County Assistance Initiative	450	3.0 M	0
County Deferred Maintenance			10. M
Bristol County Construction	150		35. M
County Study and Design Pool			5. M
VIII. Special Commission on Correction Alternatives		.1 M	
	<u>FY86 Operating Costs</u>	<u>Capital Costs</u>	
TOTALS	\$7.7 M	\$128.74M	

Impact of the Plan

The result of these planned actions is that prison overcrowding--the gap between capacity and population--will be alleviated immediately and solved ultimately in both the state and county systems.

The impact of each of the major plan components on the state system is illustrated on the attached bar graph,, Figure 5. The bars represent what the bed shortfall would be without the plan I am submitting today. The shaded areas show how that plan closes the gap.

My overcrowding plan has the following benefits for state and county corrections:

- * by 1988, overcrowding problem solved through combination of temporary and permanent capacity expansion and population management through new alternatives to incarceration and programs to make inmates parole-ready;
- * use of temporary beds in short-term enabling quick capacity expansion to meet urgent needs at medium security level facilities;
- * long-term expansion focused on lower security levels--minimum and pre-release--to match future need once contract classification system is fully implemented (70% of the permanent beds proposed are at lower security levels);
- * within seven years, the Department of Correction able to retire all temporary beds, and operate facilities that provide fully functional space for reintegration and rehabilitation programming;

STATE OVERCROWDING REDUCTION STRATEGY

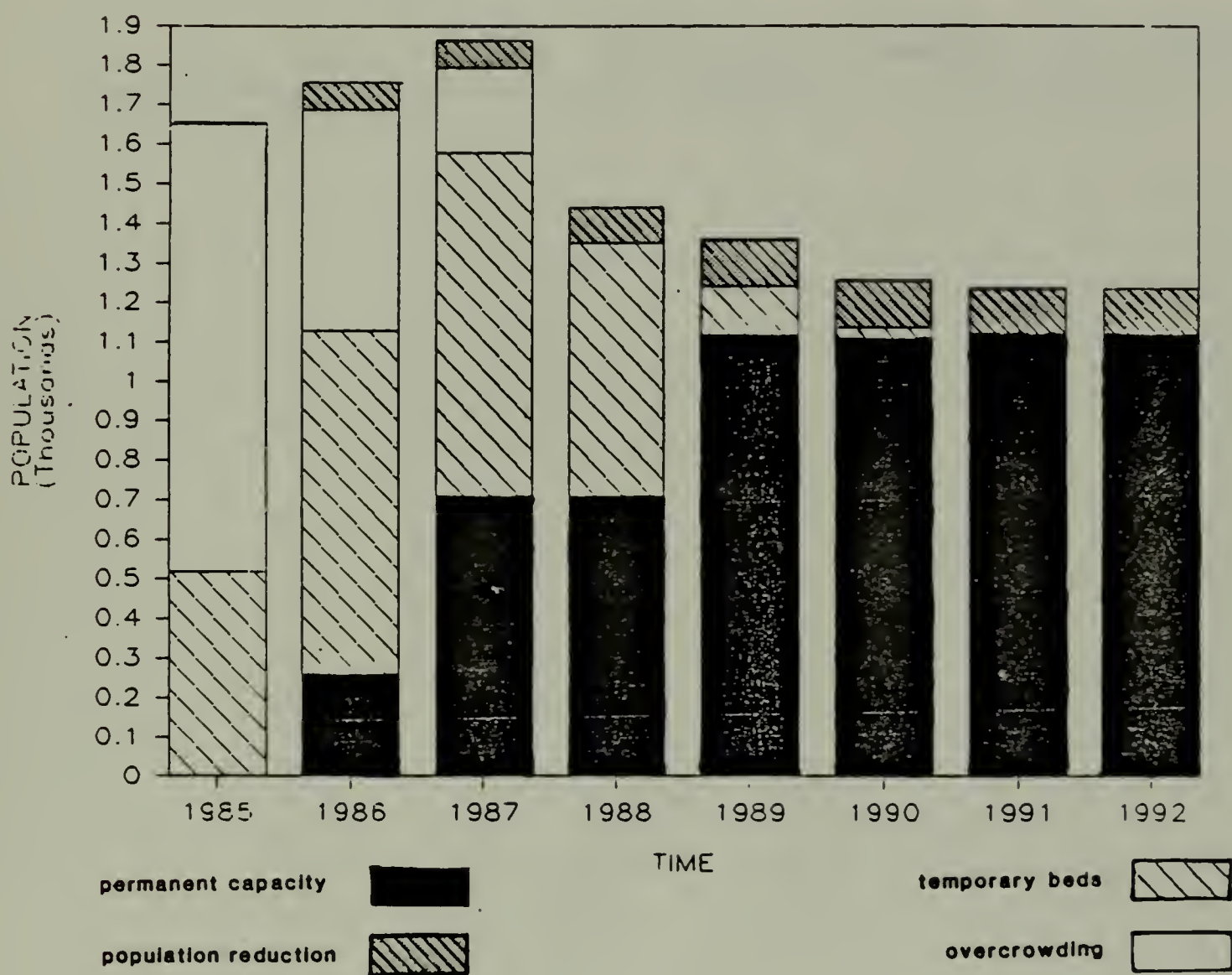


FIGURE 5

- * an aggressive maintenance and repair program to preserve existing capacity, plus funding to begin replacement program for beds which will become obsolete;
- * alternative punishment programs funded on regional level and explored for statewide policy purposes, yielding additional bed savings over time.
- * on the county side, substantial support to address overcrowding, with a heavy emphasis on encouragement of local initiative.

A P P E N D I X A

DESCRIPTION OF PROJECTS FOR INCLUSION IN CAPITAL CONSTRUCTION POOL

Each of the projects planned for inclusion in the capital construction pool is described in some detail in this section.

	<u>Net Bed Yield</u>	<u>Capital Cost Estimate</u>
<u>South Middlesex Pre-Release Center</u>	50	\$3 million

South Middlesex Pre-Release Center is an all male seventy-five bed pre-release center on the grounds of MCI Framingham. Currently, because of the shortage of pre-release center beds, there are 105 inmates. This project includes the study, design and construction of an additional fifty (50) beds and provides all the necessary support and program space for the entire 125 bed facility.

	<u>Net Bed Yield</u>	<u>Capital Cost Estimate</u>
<u>MCI Lancaster</u>	50	\$200,000

MCI Lancaster, once a facility for juvenile offenders, is now used as a minimum security facility by the Department of Corrections. The third floors of two of the buildings, however, are not being used because they do not meet basic life-safety codes. The renovations required to make this currently unavailable space usable for housing are relatively minor, consisting principally of installing a sprinkler system.

Furthermore, because this facility was originally occupied at full capacity by the Department of Youth Services, the utility support system improvements needed to accommodate this expansion are negligible. Thus, MCI Lancaster offers quick, inexpensive additional capacity.

Appendix A, Cont'd:

	<u>Net Bed Yield</u>	<u>Capital Cost Estimate</u>
<u>MCI Concord</u>	250	\$7.6 million

Because of severe overcrowding, the need for additional permanent bed space at MCI Concord is especially critical. In an effort to address this problem, much of the institution's program space has been filled with beds. This approach seriously limits the Department's ability to provide inmates with appropriate services and programs.

Long term plans for MCI Concord are to add an additional building to serve as a reception center for inmate classification, housing for 250 inmates, support and ancillary services, and administrative functions. A study is now underway. However, because of the urgency of the overcrowding, we are recommending that the housing portion of the program be brought forth immediately. Thus, a 250-bed addition is proposed at Concord so that overcrowding can be relieved while plans for the full reception center are underway. The related support services will be provided at the main institution for the present and through the overall expansion subsequently.

	<u>Net Bed Yield</u>	<u>Capital Cost Estimate</u>
<u>Norfolk Pre-Release Center</u>	50	\$2.7 million

The project involves expansion of Norfolk Pre-Release Center and correction of existing physical and support service deficiencies. Currently, there are two residents sleeping in each single bedroom in this facility. In addition, only one small public space is available for visiting, dining and recreation. The proposed project, when completed, will address these problems by providing an additional 50 single occupancy rooms and space for support and program services for the entire 76-bed facility.

Expansion of the facility will be achieved through the construction of new two-story housing wings on either side of the existing building. Other services provided through new construction are the addition of a day room in the housing section, a new dining room and kitchen, and a multi-purpose room designed for both passive and active recreation, and an indoor exercise room.

Appendix A, Cont'd:

To accommodate the increase in population, certain renovations to the existing building will also be conducted. Modifications include conversion of the existing West Wing into a reception and waiting area for visitors and extension and widening of the present front left wing to house administrative offices and storage room. Renovations will also permit additional space for inmate counseling and treatment.

The proposed project will also address some outstanding repair needs at the Pre-Release Center and implement any required expansion of utility systems. To preserve the existing building new thermal windows and an asphalt shingle roof will be installed. Exterior painting and insulation of the facility will also be conducted. In addition, the construction of two new wings on the facility will necessitate supplementing the present water service, relocating overhead electric lines and improving fire protection services. Additional security lighting will also be provided.

A final result of this project is the creation of outdoor recreational space and significant improvements to the existing site. Resurfacing of roads and expansion of the existing parking lot in accordance with the proposed expansion will also be done.

	<u>Net Bed Yield</u>	<u>Capital Cost Estimate</u>
<u>Bay State Correctional Center</u>	76	\$10.5 million

This renovation and expansion project is needed to eliminate overcrowding at the complex and to correct the physical deficiencies which have resulted from the overcrowding. Currently, 144 inmates are housed in a facility designed for 72. Thus, the existing facility lacks sufficient space to provide for the full range of DOC programs and to meet all relevant codes and standards for a 144 bed minimum security institution.

The project will consist of approximately 44,000 square feet of new construction and 28,000 square feet of renovated space. A new building will be constructed for the current 72 bed capacity, plus an additional 76 beds. This building will include day rooms, dining, and recreational facilities. The existing building will be rehabilitated to provide the additional support service space, such as administrative, visitor and program areas, necessary for the population increase.

Appendix A, Cont'd:

The project will also correct serious problems at the existing physical plant, an inefficient and deteriorating heating plant, lack of provisions for handicapped inmates or visitors, periodic flooding in the basement, uninsulated and deteriorating exterior windows, the lack of a fire suppression system, and technically inadequate means of egress.

Thus, the project will preserve the current capacity of 72 beds at Bay State both by correcting problems which could lead to structural damage and by providing adequate bed and support capacity which will relieve the pressure on the existing facility.

	<u>Net Bed Yield</u>	<u>Capital Cost Estimate</u>
<u>MCI Warwick</u>	50	\$3.8 million

This project corrects physical and programmatic deficiencies at MCI Warwick through expansion and renovation. The correctional institution now houses 80 inmates in a facility with rated capacity of 50. This project will enable this capacity to double to 100 beds.

New construction will result in the addition of approximately 16,119 gross square feet. A new, two wing, 100-room single occupancy addition to the existing facility will house the 50 replacement and 50 new beds. A new free-standing gymnasium will be constructed nearby. Approximately 11,951 gross square feet of the existing building will be renovated to provide the required support functions of reception, administration, program activities, and dining. All utilities, specifically the sewage and electrical systems, and all other buildings will be improved or replaced. The new construction and renovation will add approximately 1,312 gross square feet in reception area, 450 square feet in administrative space; 1,624 square feet in program area; 5,672 square feet in recreation space; 741 square feet in food service space; and 6,320 square feet in residential space. When completed, the facility will be able to serve as minimum security forestry camp with sufficient housing and support service.

Appendix A, Cont'd:

	<u>Net Bed Yield</u>	<u>Capital Cost Estimate</u>
<u>MCI Plymouth</u>	50	\$3.63 million

Renovations to this minimum security/pre-release center consist of two distinct projects: one to replace a 50-bed dormitory and add a new recreational building, the other to construct a new dormitory and a separate building for dining and kitchen use.

The first project involves replacement of the existing 50-person multiple occupancy dormitory and the expansion of program and recreational facilities. This project will be all new construction of two new buildings: a dormitory building and a recreation building. Upon completion, the project will provide housing for a total of 150 inmates in single-occupancy rooms, expansion of necessary support systems, and correction of existing infrastructure deficiencies.

The proposed dormitory building will be approximately 10,000 gross square feet and will accommodate 50 single-occupancy rooms. The building will also house program space for inmates such as a day room for passive recreation and meetings and a visiting room. The recommended location of this building is directly across from the existing Administration/Housing Building. This location will maximize the monitoring of access to the dormitory building from the existing Duty Office in the Administration/Housing Building.

The planned recreation building is approximately 14,200 gross square feet and will house indoor recreational activities and program and educational services. Among the activities to be provided in this facility are a gym, weight room, and pool room. Educational uses will include classroom space, an auto shop, and a library.

The second project at MCI Plymouth involves construction of a new 50-bed dormitory and a separate dining and kitchen facility. This project received initial funding under Ch. 578 of the Acts of 1980 and now requires \$870,000 in additional funds. The project is urgently needed in order to address code violations in the existing kitchen, which has been cited by the Department of Public Health.

Appendix A, Cont'd:

In addition to expanding the MCI Plymouth program, support and residential space, these two projects will facilitate the correction of existing deficiencies at the institution. Design plans call for an upgrading of the existing utility system to accommodate the increase in capacity. Projects will also provide landscaping improvements to the site, development of additional parking areas, and road resurfacing. Security lighting to serve the new buildings will also be added.

	<u>Net Bed Yield</u>	<u>Capital Cost Estimate</u>
<u>NCCI Gardner</u>	88	\$3.5 million

Currently, major renovation work is being designed at NCCI Gardner which will result in 240 additional beds. The project was initially intended to renovate all 328 beds at the institution, but funding limitations forced the scope to be narrowed. This project would enable the renovation to go forward as intended.

The funding proposed here will allow for the renovation of the entire "F" Building currently utilized as temporary housing for inmates into dormitory/single bed housing for 88 inmates. This can then go forward in conjunction with the other planned renovations of vacant buildings at Gardner. At the project's completion, a total of 77,000 square feet of residential space will be renovated. Also planned are the renovation of approximately 12,000 square feet to house office functions in the Laurel Building, minor rehabilitation to a two-story wood structure to house the Light Industries Program, and installation of security window mesh, doors, and hardware in the Laundry Building.

These improvements will thus help to realize the full benefit of renovations already scheduled.

A P P E N D I X B

OUTSIDE SECTIONS TO HOUSE 1 REGARDING REGIONAL OVERCROWDING ACTION COUNCILS AND SPECIAL COMMISSION ON CORRECTION ALTERNATIVES

SECTION 1

(A) In order to be eligible for any operating funds appropriated in line item 4200-0780, a county must establish a regional overcrowding action council and this council must develop a regional overcrowding action plan to address the overcrowding problems of the county's correctional facilities; provided that two or more counties, with the approval of the Secretary of Human Services, may establish a regional overcrowding action council for the purpose of developing a regional overcrowding action plan.

This council shall be convened by the county sheriff and should include among its members the following individuals: the presiding judge of a district court in the county, the county district attorney, the chief probation officer in a district court in the county, the chairman of the Parole Board or his designee, the Commissioner of the Department of Correction or his designee, the director of a court clinic in the county or his designee, an attorney with the Committee for Public Counsel Services who regularly represents indigents in the county and who is designated by the Director of the Committee for Public Counsel Services, and a representative of a private organization operating within the county who has experience in programs providing alternatives to incarceration.

Each council shall be responsible for developing, monitoring and evaluating implementation of a plan to address overcrowding in the county's correctional facilities. This plan shall include the following:

1. an analysis of the inmate population to assist in determining incarceration practices and trends; the bed shortfall by security level; the types of programs needed as alternatives to incarceration and the appropriate eligibility requirements for these programs; the types of population management techniques needed to insure inmates are ready for release when eligible;

Appendix B, Cont'd:

2. an analysis of recent overcrowding problems and measures already taken by the county to relieve them;
3. a comprehensive plan that addresses the needs identified in subsection (1) for the development of alternative punishment programs other than incarceration and identifies the appropriate entity for implementing each proposal;
4. a comprehensive plan that addresses the needs identified in subsection (1) for the development of programs and techniques to manage the incarcerated population to ensure that inmates are ready for release when eligible and identifies the appropriate entity for implementing each proposal;
5. a detailed time frame for the implementation and evaluation of the specific proposals contained in the comprehensive plans described in subsections (3) and (4) and a summary of the criteria which the council will use to evaluate each proposal's impact on overcrowding.

Measures for reducing overcrowding which should be considered as part of a county action plan include the following: new or enhanced specialized or intensive probation services; pre-trial alternatives to detention; a bail review program; new or enhanced evaluation programs to evaluate the need for pre-trial detention and post-trial incarceration; alternative punishments to replace post-trial incarceration for certain offenders, including community corrections, work release, furloughs, and substance abuse programs; warrant clearing units and other methods and programs to facilitate the inmate's movement to lower security levels as soon as appropriate; expansion of lower security capacity; and management information systems designed to improve the county's classification of inmates and its ability to identify appropriate persons for alternatives to incarceration.

(B) The Secretary of Human Services is hereby authorized and directed to establish a grant program with the funds appropriated in line item 4200-0780 to assist counties to operate programs identified in the overcrowding action plans described in subsection (A). Pursuant to this grant program, the Secretary may allocate money to fund the proposals of the action plan for incarceration alternatives, for inmate population management programs and techniques, and for operating

Appendix B, Cont'd:

costs for any capacity expansion in lower security levels; provided that these grant funds may be used exclusively as a supplement to currently allocated county correction resources and may not be used to supplant current levels of expenditure.

In addition, notwithstanding the language in subsection (A), the Secretary may make grants to the regional councils in an amount not to exceed \$30,000 for each council, for the purpose of developing the plan described in subsection (A).

(C) Any state, county or local public or private agency may apply to the Secretary for a grant to fund a program included in the council's overcrowding action plan. The application shall include a detailed description of the proposal to be funded, how this proposal fits into the council overcrowding action plan and any other information deemed appropriate by the Secretary.

(D) The Secretary shall make a determination on each grant application within ninety days from the date of application.

(E) The Secretary of Human Services shall promulgate regulations implementing the grant program described in this section.

SECTION 2.

There is hereby established a special commission on correction alternatives to consist of fourteen members appointed by the Governor, including one justice of the superior court department of the trial court, one justice of the district court department of the trial court, the house and senate chairs of the joint committee on criminal justice, the commissioner of probation, the chief counsel of the committee for public counsel services, a district attorney, a sheriff, the secretary of human services, the commissioner of corrections, the chairman of the parole board, and three other persons to be appointed by the Governor, one of whom shall have experience in community-based corrections. The chairperson of the committee shall be designated by the Governor.

The commission shall evaluate forms of alternative punishments other than incarceration currently utilized within and outside the Commonwealth. This evaluation shall include an assessment of those programs currently in use and types of offenders placed in such alternative programs. The commission shall review current statutory provisions and administrative

Appendix B, Cont'd:

policies within the Commonwealth and determine to what extent said provisions and policies are currently being implemented and to what extent they are sufficient to permit optimal use of alternative forms of punishment. In addition to evaluation and analysis, the commission shall make specific recommendations in regard to the use of alternative punishment for persons charged, convicted, or sentenced to county houses of correction and state prisons, including statutory, administrative and other measures necessary to effect those changes the commission deems appropriate.

The commission shall file a report of its findings and recommendations to the Governor, the Joint Committee on Criminal Justice and the Chief Administrative Justice of the Trial Court no later than April 1, 1986.

A P P E N D I X C

LINE ITEM AMENDMENTS TO HOUSE 1

FY86 Amendments to DOC Budget for Special Message

Administration (4311-0001)

Support Staffing including planning positions
and Transport Teams \$ 273,000

CRS (4311-0003)

Support Staffing for New Pre-Release Programs;
Rental of 50 county beds;
Substance Abuse Programs for 11 Facilities;
Contract for 100 new Pre-Release beds. \$1,207,000

Industries (4311-0005)

Support Staffing for Industries;
Marketing Study to determine best use of industry
Programming;
Industries Equipment \$ 232,000

Education (4311-0009)

Support Staffing for Education;
Teachers and Voc. Ed Training positions
for two new computer technology programs \$ 538,250

Appendix C, Cont'd:

Facilities (4349-0001)

Reuse of SECC II for 100 Beds in FY86;	
Contract for Western Women Pre-Release;	
Lease of Modular Units at MCI Shirley	
Lease for Industrial programming	\$2,125,000

Others

County Initiative Programs (4000-0780)	\$3,000,000
Special Commission on Correction	
Alternatives (400-0790)	<u>100,000</u>
Total DOC FY1986 Special Message Amendments	\$7,475,250

FY86 Amendments to the Parole Board Budget

Administration (4380-0001)

To begin the Intensive Parole Program	<u>\$ 233,741</u>
Total House 1 Special Message Amendments	<u>#7,708,991</u>
	=====

A P P E N D I X D

LEGISLATION PROPOSING PRISON EXPANSION CAPITAL OTULAY

SECTION 1. To provide for a program of studies, preparation of plans, construction, reconstruction, alteration, improvement, lease and purchase of various state and county correctional facilities, the sums set forth in section two, four, and six through eleven inclusive of this act, for the several purposes and subject to the conditions specified under provisions of this act, are hereby made available, subject to the provisions of law regulating disbursement of public funds and the approval thereof.

SECTION 2. The division of capital planning and operations is authorized to expend forty-eight million, seven hundred and forty thousand dollars for studies, the preparation of plans, and the renovation, upgrading, and expansion of existing state correctional facilities, including the costs of furnishings and equipment, located at M.C.I. Shirley, M.C.I. Concord, Lancaster Pre-Release Center, Norfolk Pre-Release Center, Baystate Correctional Center, M.C.I. Bridgewater, M.C.I. Warwick, M.C.I. Plymouth, Northeastern Correctional Center, M.C.I. Cedar Junction, North Central Correctional Institution, the South Middlesex Pre-Release Center at M.C.I. Framingham, provided, that the division may allocate to the department of correction those funds that are to be expended in developing capital facilities that are not within the division's jurisdiction pursuant to section forty B of chapter seven; provided further, that within four months of the effective date of this act and on a quarterly basis thereafter, the deputy commissioner of the division of capital planning and operations shall submit a schedule to the house and senate committees on ways and means identifying the locations and estimated construction costs of facilities to be renovated or constructed hereunder. The amounts appropriated by this section shall be in addition to previous appropriations made for the development of state correctional facilities.

SECTION 3. For the purpose of insuring timeliness and economy of construction of the capital facility projects funded from this Act, the deputy commissioner of the division of capital planning and operations may, after consultation with the director of the office of project management, the

Appendix D, cont'd:

commissioner of the department of correction, the secretary of human services, and the advisory committee established hereafter, authorize the design and construction of various facilities funded by this Act, by utilizing alternative methods for procurement of design and construction services including, but not limited to, construction management, fast-tracked or phased construction, turnkey procurement, design and build procurement, lease-purchase of facilities, the utilization of modular buildings, and the utilization of inmate work crews; provided that such procurement methods shall comply with the policies and procedures of sections thirty-eight A 1/2 through thirty-eight O, inclusive of chapter seven, section K of chapter twenty-nine, and sections forty-four A through L, inclusive, of chapter one hundred and forty-nine, to the extent the deputy commissioner determines feasible.

In order to obtain advice and counsel concerning the utilization of alternative methods for procuring design and construction services, the deputy commissioner shall convene an advisory committee comprised of at least three persons, one of whom shall be the inspector general or his designee, one of whom shall have had previous experience with the use of alternative design and construction methods, and one of whom shall have expertise in correctional institutional design and construction. The advisory committee shall review, evaluate, and make recommendations concerning the adoption of such alternative methods on projects funded by this Act.

If the deputy commissioner determines to utilize alternative methods for procurement of design and construction services on a project funded by this act, he shall file a written report with the inspector general describing his reasons for adopting such alternative method including a comparison of costs, time schedules, and quality of construction, between the alternative methods and traditional methods of public construction. The inspector general shall have fifteen days to review and comment on the report. In no event shall the deputy commissioner proceed with an alternative method for procuring design and construction services prior to the expiration period for the inspector general's review.

SECTION 4. The division of capital planning and operations is authorized to expend thirty million dollars for the study, design, and construction of projects in accordance with a deferred maintenance program for state correctional facilities; provided, that within four months of the effective date of this

Appendix D, cont'd:

act and on a quarterly basis thereafter, the deputy commissioner shall submit a schedule to the house and senate committees on ways and means identifying the locations and estimated construction costs of deferred maintenance projects to be undertaken hereunder.

SECTION 5. The deputy commissioner may establish a special unit to be assigned exclusively to expedite the planning, design, and construction of capital facility projects funded by this act. The deputy commissioner may, in accordance with a schedule annually approved by the commissioner of administration and finance, temporarily hire additional employees or consultants and assign any employee of the division to the special unit as may be required for the supervision of said projects; provided, that the salaries and administrative expenses of the special unit shall be paid from funds made available by this act as a part of the cost of the development and construction of said projects.

SECTION 6. The secretary of human services is hereby authorized and directed to provide grant funds in an amount not to exceed fifty million dollars to counties for the purposes of undertaking feasibility studies, to acquire land, including buildings thereon, preliminary plans, design and construction for the purpose of expanding, reconstructing, constructing, renovating, maintaining or finishing a jail, a house of correction or any other county correctional facility, including construction of the Bristol County Jail and House of Correction, design of the Norfolk and Essex County Houses of Correction in anticipation of construction of those facilities, provided, that the secretary shall request funding for the construction of the Norfolk and Essex County Houses of Correction upon completion of the respective design of each facility; provided further, that amounts appropriated in this section shall be in addition to previous appropriations or grants made to county jails, houses of correction and other correctional facilities, including amounts made available pursuant to chapter three hundred and forty-seven of the Acts of 1982 and chapter seven hundred and twenty-three of the acts of 1983. Grants funded by this section shall be made pursuant to section six of chapter three hundred and forty-seven of the acts of 1982, and any amendments and revisions thereto.

SECTION 7. To satisfy the expenditures necessary to carry forward the provisions of section two of this act, the state treasurer shall, upon the request of the governor, issue and

Appendix D, cont'd:

sell bonds of the commonwealth in an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of forty-seven million, seven hundred forty thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face Correctional Loan Act of 1985, and shall be issued for such maximum term of years, not exceeding twenty years, as the governor may recommend to the general court pursuant to section three of Article LXII of the amendments to the constitution of the commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and ten. Bonds and the interest thereon issued under the authority of this section, notwithstanding any other provision of this act, shall be general obligations of the commonwealth.

SECTION 8. To satisfy the expenditures necessary to carry forward the provisions of section four of this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of thirty million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face Deferred Maintenance-Correctional Loan Act of 1985, and shall be issued for such maximum term of years, not exceeding ten years, as the governor may recommend to the general court pursuant to section three of Article LXII of the amendments to the constitution of the commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, in the year two thousand. Bonds and the interest thereon issued under the authority of this section, notwithstanding any other provision of this act, shall be general obligations of the commonwealth.

SECTION 9. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purposes of meeting payments as authorized by this act, and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such time and at such rate as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such term, not exceeding one year, as the Governor may recommend to the general court in accordance with section three of Article LXII of the amendments to the constitution of the commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety-six. Notes and

Appendix D, cont'd:

the interest thereon issued under the authority of this act, notwithstanding any other provisions of this act, shall be general obligations of the commonwealth.

SECTION 10. To meet the expenditures necessary in carrying out the provisions of section six of this act, the state treasurer shall, upon request of the governor, use and sell bonds of the commonwealth in an amount to be specified by the governor from time to time, not exceeding in the aggregate, the sum of fifty million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Capital Outlay Loan-County Correctional Facilities-Act of 1985, and shall be issued for such maximum term of years, not exceeding twenty years, as the governor may recommend to the general court pursuant to Section three of Article LXII of the amendments to the constitution of the commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and ten. Bonds and the interest thereon issued under the authority of this section, notwithstanding any other provision of this act, shall be general obligations of the commonwealth.

SECTION 11. Section 2 of chapter 347 of the acts of 1982 is hereby amended by adding the following words to item 4343-8831:-

provided, that the division of capital planning and operations shall perform a study and design of a five hundred bed medium security facility and for the study, and design if determined appropriate, of a solid waste recovery facility.

SECTION 12. The provisions of this act shall go into effect immediately upon its passage.

